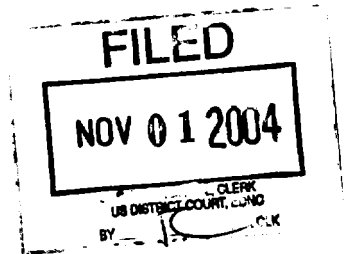


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION



NO. 5:04-CR-211-BO(1)

UNITED STATES OF AMERICA

v.

DAVID A. PASSARO

MOTION TO DISMISS FOR LACK OF
JURISDICTION

Fed. R. Crim. P. 12(b)(2)

DAVID A. PASSARO, defendant in the above-captioned case, hereby moves this Honorable Court for an order dismissing this action for lack of jurisdiction. A supporting memorandum of law accompanies this motion.

Respectfully requested this 1ST day of November, 2004.

Thomas P. McNamara

THOMAS P. McNAMARA
Federal Public Defender
N.C. State Bar No. 5099

lc: Boyle

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon:

JAMES A. CANDELMO
Assistant United States Attorney
Suite 800, Federal Building
310 New Bern Avenue
Raleigh, NC 27601-1461

by hand delivering a copy of same

This the 1ST day of November, 2004.



THOMAS P. McNAMARA
Federal Public Defender
N.C. State Bar No. 5099